

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

EMILY ODERMATT,

Plaintiff,

-against-

THE MOUNT SINAI HOSPITAL, MOUNT SINAI
HEALTH SYSTEM, INC. and MOUNT SINAI
HOSPITALS GROUP, INC.,

Defendants.

Case No. 1:24-cv-05250 (JLR)

ORDER

JENNIFER L. ROCHON, United States District Judge:

On May 28, 2025, Plaintiff filed a motion for Rule 11 sanctions, Dkt. 98, citing alleged misrepresentations in Defendants’ pre-motion letter, Dkt. 96. Pursuant to Federal Rule of Civil Procedure (“Rule”) 11(c)(2), the Court construed Plaintiff’s notice of motion as service on Defendants and advised that it would not consider Plaintiff’s motion until and unless she elected to refile it after the aforementioned process and time period concluded. Dkt. 101.

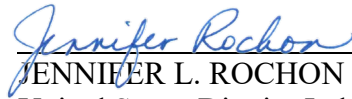
On August 1, 2025, Plaintiff filed a letter-motion purportedly “reactivat[ing]” her May 28, 2025 Rule 11 motion. Dkt. 154. On August 4, 2025, Plaintiff filed a “postscript note” to her August 1, 2025 motion for Rule 11 sanctions, Dkt. 155. Plaintiff’s August 1, 2025 and August 4, 2025 letter-motions, however, now point to alleged misrepresentations in other documents in additions to Defendants’ pre-motion letter, including Defendants’ motion for summary judgment, Dkt. 148, and the declaration of Laura van Dyck in support of Defendants’ motion for summary judgment, Dkt. 146. Plaintiff’s motion therefore goes beyond the scope of her May 28, 2025 motion, and therefore requires further compliance with Rule 11’s procedural requirements: that is, Plaintiffs’ August 1, 2025 letter-motion for Rule 11 sanctions must be served on the opposing party twenty-one days before it is filed with the

Court. The Court shall therefore construe Plaintiff's electronic filing of her August 1, 2025 and August 4, 2025 letters as service on Defendants, and advises Plaintiff that it will not consider her motion until and unless she elects to refile it after the aforementioned process and time period concludes. If she Plaintiff elects to refile, she must refile the motions as-is, without any additional allegations, so as to ensure that Defendants have received proper notice.

Moreover, the Court advises Plaintiff, that to the extent she disagrees with Defendants' characterizations of the evidence, the appropriate vehicle for raising such disagreements is in her opposition to Defendants' motion for summary judgment, not through a Rule 11 sanctions motion.

Dated: August 6, 2025
New York, New York

SO ORDERED.


JENNIFER L. ROCHON
United States District Judge